

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

**NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,**

Defendants.

NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

PLEASE TAKE NOTICE THAT Defendant Norfolk and Portsmouth Belt Line Railroad Company (the “Belt Line”), by counsel, pursuant to Local Civil Rule 5 and the Stipulated Protective Order entered on October 29, 2019 (D.E. 79), is moving this Court for leave to file under seal the following: (1) unredacted portions of the Reply Brief in Support of its Motion *in Limine* #5 to Exclude Testimony From Plaintiff’s Expert Howard Marvel and (2) Exhibit 1 thereto.

As set forth in the Belt Line’s nonconfidential memorandum in support of this motion to seal, the information to be filed under seal has been designated “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by plaintiff CSX Transportation, Inc., the Belt Line, and Norfolk Southern Railway Company. It contains highly confidential and sensitive information relating to CSXT’s, NS’s, and the Belt Line’s transportation and shipping practices, business strategies, internal communications, and other highly confidential, proprietary, and sensitive business information, the release of which would harm the parties.

Any party or non-party may submit memoranda in support of or in opposition to this motion within seven days, designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memorandum will be treated as sealed

pending a determination by the Court on the motion to seal. Any person objecting to this motion must file an objection with the Clerk within seven days after the filing of this motion. If no objection is filed in a timely manner, the Court may treat the motion as uncontested.

Dated: November 14, 2022

**NORFOLK AND PORTSMOUTH
BELT LINE RAILROAD COMPANY**

By: /s/ W. Ryan Snow
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CERTIFICATE OF SERVICE

I certify that on this 14th day of November 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a "Notice of Electronic Filing" to all counsel of record who have consented to electronic service.

/s/ W. Ryan Snow
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